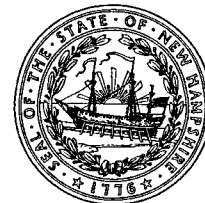




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**AMENDED
LETTER OF DEFICIENCY
WET 2004-40**

November 17, 2004

Paul & Susan Aballo
14 Doiron Rd
Windham, NH 03087

RE: DES Wetlands File #2000-00508 Rattlesnake Island, Alton

Dear Mr. & Mrs. Aballo:

On October 29, 2004, personnel from the Department of Environmental Services ("DES") Met with you and re-inspected of the above referenced property, more specifically referenced on Town of Alton Tax Map 78 as Lot 140 (the "Property"). The purpose of the inspection was to discuss and verify the findings of the June 30, 2004 inspection and determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

The findings of the inspection were as follows:

1. The plans generated as a result of the June 2004 field inspection are misleading. The breakwater is in fact constructed in the approved location.
2. The cantilevered pier permit and the walkway to that pier are approvable after the fact.
3. The crib supported, finger pier is longer than the 30 ft length permitted. This pier is currently damaged and will need repair in the near future.
4. The width of the wharf/walkway along the shore exceeds the 6ft permitted dimensions.

In response, you are requested to take the following actions:

1. By May 15, 2005, reduce the wharf/walkway to no more than 6 ft in width. The final 6 ft wide structure may follow the shoreline contour or be constructed as a straight structure off-shore.
2. By May 15, 2005, repair the crib supported pier. During the repair the length of the pier shall be reduced to not more than 30 ft.
3. By May 30, 2005, submit plans that are either drawn to scale or completely dimensioned showing the as-built conditions of the breakwater, cantilevered pier and walkway to the pier, the reduced, crib supported finger pier and the final configuration of the wharf/walkway.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

D. Forst, Shoreline Section Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,



D. Forst
Shoreline Section Supervisor
Wetlands Bureau

CERTIFIED MAIL 7004 1160 0005 9765 1022

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Alton Conservation Commission
Alton Board of Selectmen
USACOE